

**DISERTASI**

**REKONSTRUKSI POLITIK HUKUM DALAM  
PELAKSANAAN PUTUSAN PENGADILAN HUBUNGAN  
INDUSTRIAL BERDASARKAN HUKUM PROGRESIF**

**OLEH**

**SITI NURHAYATI**

**1131203008**



**Promotor : Prof.Dr.Yuliandri, SH., MH**

**Co-Promotor I : Dr.Ferdi, SH., MH**

**Co-Promotor II : Dr. Mardenis, SH., M.Si**

**PROGRAM DOKTOR (S3) ILMU HUKUM  
PASCASARJANA FAKULTAS HUKUM  
UNIVERSITAS ANDALAS  
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## INTISARI

Pemberlakuan hukum acara perdata umum dalam proses pelaksanaan putusan pengadilan hubungan industrial terhadap suatu perkara PPHI sebagaimana dimanakan dalam Pasal 57 UU PPHI mengakibatkan proses pelaksanaan putusan pengadilan berjalan lambat. Bertolak dari hal itu, diperlukan kesadaran politik yang memadai dari pemangku kepentingan (*stakeholder*) untuk melakukan pembentukan kembali (rekonstruksi) politik hukum dalam pelaksanaan putusan pengadilan hubungan industrial. Agar gerakan rekonstruksi hukum itu lahirnya dari kemauan politik bangsa maka perlu dilaksanakan dengan kebijakan politik atau politik hukum. Berdasarkan uraian di atas, maka permasalahan dalam penelitian ini dapat dirumuskan sebagai berikut : 1) Bagaimanakah politik hukum dalam pelaksanaan putusan pengadilan hubungan industrial?; 2) Bagaimana kelemahan-kelemahan dalam pelaksanaan putusan pengadilan hubungan industrial?; 3) Bagaimanakah rekonstruksi ideal politik hukum dalam pelaksanaan putusan pengadilan hubungan industrial berdasarkan hukum progresif? Penelitian ini diawali dengan pendekatan normatif, yaitu pendekatan yang mengacu pada peraturan-peraturan tertulis atau bahan-bahan hukum lainnya yang bersifat skunder, pendekatan sejarah (secara historis) tentang politik hukum pelaksanaan putusan pengadilan hubungan industrial, serta pendekatan yuridis empiris dalam melihat kelemahan-kelemahan dalam pelaksanaan putusan pengadilan dan rekonstruksi ideal politik hukum dalam pelaksanaan putusan pengadilan. Hasil penelitian menunjukan bahwa, *Pertama* UU No. 2 Tahun 2004, belum mengatur secara lengkap mengenai penyelesaian perselisihan hubungan industrial khususnya pengaturan mengenai pelaksanaan putusan pengadilan. *Kedua* proses pelaksanaan putusan PPHI memakan waktu cukup panjang karena pengadilan tidak berani melakukan terobosan hukum dengan membuat suatu kebijakan politik hukum. *Ketiga*, menghasilkan rekonstruksi ideal politik hukum dalam pelaksanaan putusan pengadilan hubungan industrial berdasarkan hukum progresif yang dimasukan dalam pasal-pasal pada pembaruan UU PPHI, antara lain : mengatur mengenai dapat langsung disita barang-barang yang tidak bergerak serta tidak ditentukan patokan batas jumlah penyitaan. dengan merekonstruksi Pasal 197 ayat (1) HIR/Pasal 208 ayat (1) RBg, tidak dikenakan biaya pelaksanaan putusan (eksekusi) untuk nilai gugatan Rp. 150.000.000.- atau lebih dengan merekonstruksi Pasal 58 UU PPHI, dilarang melakukan upaya hukum Peninjauan Kembali dengan merekonstruksi Pasal 66 UU Mahkamah Agung, dan menghidupkan kembali lembaga paksa badan untuk putusan mempekerjakan kembali dengan merekonstruksi Pasal 209-224 HIR/Pasal 242-258 RBg.

Kata Kunci : Politik Hukum, Penyelesaian Perselisihan Hubungan Industrial, Hukum Progresif.

## ABSTRACT

Prevailing of the common Civil Laws in the process of implementing the trial decision of the industrial relationship on the case of PPHI as mandated in the Article 57 of the PPHI Laws causes the process of the trial decision runs slowly. According to this, it is necessary to have the sufficient political awareness from the stakeholders to reconstruct the politics of the laws in the implementation of the trial decision of the industrial relationship. In order to the movement of the law reconstruction comes from the national political desires. Therefore, it is very essential to implement the political regulation or the politics of the laws. In accordance to the previous description, therefore the problems of this study could be formulates as follows: 1) how was the politic of the laws in the implementation of the industrial relationship? ; 2) how were the weaknesses in the implementation of the trial decision of the industrial relationship? ; 3) how was the reconstruction of the ideal politics of the law in the implementation of the trial decision of the industrial relationship based on the progressive laws? This study was begun by applying the normative approach which referred to the written regulations or the other secondary law materials, the historical approach about the political laws of the implementation the trial decision of the industrial relationship, as well as the empirical jurisdiction approach in order to figure out the weaknesses in the trial decision implementation and the ideal reconstruction of the political laws in the trial decision implementation. The results of this study showed that, firstly, the Laws No.2 in 2004, had not arranged completely yet about the conflict settlement of the industrial relationship especially the regulation about the implementation of the trial decision. Secondly, the process of PPHI implementation took a very long time because of the court discouraged to take the new law breakthrough by arranging the policy of the political laws. Thirdly, yielding the ideal reconstruction of the politics of the laws in the implementation of the trial decision of the industrial relationship based on the progressive laws which are included in the newly articles of PPHI Laws, namely : regulating about the direct confiscation of immovable property along with the uncertainty of standard amount of the confiscation by reconstructing the Article of 197 verse (1) HIR/ Article of 28 verse (1) RBg, which is free of execution charge if the claim is about Rp. 150.000.000.- or more by reconstructing the Article of 58 of PPHI Laws, it is banned to do the effort of reconsideration by reconstructing the Article of 66 Laws of The Supreme Court, and revives the compelled institution to the decision of reemploying by reconstructing the Article of 209-224 HIR/Article of 242-258 RBg.

*Keywords : Politics of the Laws, Conflicts Settlement of Industrial Relationship, Progressive Laws*